



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 17, 1996

Mr. Mark T. Sokolow
City Attorney
City of Port Arthur
P.O. Box 1089
Port Arthur, Texas 77641-1089

OR96-2420

Dear Mr. Sokolow:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103133.

The City of Port Arthur (the "city") received a request for the police department file concerning a shooting. You contend that the information requested is excepted from disclosure pursuant to section 552.108 of the Government Code. Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime." and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996).

You have submitted to this office for review representative samples of the information you contend is excepted from disclosure.¹ We agree that most of the information at issue is excepted from disclosure pursuant to section 552.108. However, included in the information you submitted to this office is front page offense report information. The type of information that is normally found on the front page of an offense report is generally considered to be public and may not be withheld from disclosure. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). We note,

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

however, that information that identifies a victim of a serious sexual offense is protected by common-law privacy as incorporated by section 552.101 of the Government Code. *See Open Records Decision Nos. 440 (1986), 393 (1983).* Thus, information that tends to identify the victims in this situation must be redacted from the front page offense report information prior to release to the public. For your convenience, we have enclosed a summary showing the types of information that are generally public as first page offense or arrest report information.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 103133

Enclosures: Submitted documents
-Summary of Open Records Decision No. 127(1976)

cc: Ms. Etta Kemper
2005 6th Street
Port Arthur, Texas 77640
(w/Summary of Open Records Decision No. 127(1976); w/o submitted documents)

²We also note that the city has discretion to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.